



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Here application of: HU et al.

Application Serial No.: 09/257,272

Art Unit: 1647

Filed: February 25, 1999

Examiner: Saoud, C.

For: Vascular Endothelial Growth Factor 2

Attorney Docket No.: PF112P2D2

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT PURSUANT TO 37 CFR 1.97(c)

Commissioner For Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorneys for Applicants hereby direct the Examiner's attention to references EJ-EY listed on the attached form PTO/SB/08A. A copy of each of references EJ-EY is enclosed.

Attorneys for Applicants further wish to bring to the attention of the Examiner:

- (a) Statutory Declaration of John Stanley Mattick, and Exhibits JSM1-JSM4;
- (b) Statutory Declaration of Nicholas Kim Hayward, and Exhibits NKH1-2;
- (c) Statutory Declaration of Jennifer Ruth Gamble and Exhibits JRG1-3;
- (d) Statutory Declaration of Tom Rapoport and Exhibits TP1-2;
- (e) Statutory Declaration of Stuart A. Aaronson and Curriculum Vitae of Stuart A. Aaronson;
- (f) Statutory Declaration of Susan Power, Appendices 1-2 and Figure 1; and

(g) Statutory Declaration of Gary Baxter Cox and Exhibits GBC-1 – GBC 23.

The exhibits accompanying the above-listed declarations are references which were recently brought to the attention of the Applicants in connection with an opposition to an Australian application, that essentially corresponds to the U.S. priority application in this case. Copies of each of the above-listed Declarations and accompanying exhibits thereto, are enclosed.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 CFR 1.106(b) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be considered during the prosecution of this application.

Identification of the listed references is not to be construed an admission of any individual associated with the filing or prosecution of the subject application that such references are available as “prior art” against the subject application. Furthermore, Applicants do not waive any rights to appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.


Applicants respectfully request that the Examiner review the listed reference(s) on the enclosed Form PTO/SB/08A and that the reference(s) be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(c)(2), since this Supplemental Information Disclosure Statement is filed after the mailing date of a First Office Action on the merits, the Patent and Trademark Office will consider the statement if the statement is accompanied by the fee as specified in 37 C.F.R. § 1.97(c)(2), and is filed before any of a final action under § 1.113, a notice of allowance under § 1.311, or an action which otherwise closes the prosecution in this application.

Accordingly, pursuant to 37 C.F.R § 1.97(c)(2), the Patent Office is authorized to charge the required fee of \$180.00 to Human Genome Sciences, Inc., Deposit Account No. 08-3425. Applicants submit concurrently herewith, a Fee Transmittal, with appropriate fee(s). The Patent Office is further authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3425.

Respectfully submitted,

Dated: March 23, 2007


Michele M. Wales (Reg. No. 43,975)
Attorney for Applicants

Human Genome Sciences, Inc.
9410 Key West Avenue
Rockville, MD 20850
Telephone: (301) 610-5772

Enclosures
MW/RL/lcc